

REMARKS

In the Office Action, the Examiner rejected pending claims 1-11 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,595,966 to Davey et al. ("Davey"). Applicants respectfully traverse this rejection.

In the Office Action, the Examiner stated that Davey discloses a multilumen catheter with an elongated body having a proximal end and a distal end, a first lumen (212) having a sidewall, a first distal opening, a first guide-wire opening, and a second guide-wire opening, wherein the catheter further comprises a hub connected to the proximal end of the body (Figure 5D, 13 and entire reference). The Examiner also stated that the guide-wire openings are discussed in Column 9, lines 29-33 as well as can be seen in Figures 14A, 14B. Applicants respectfully traverse the Examiner's interpretation of Davey.

In column 9, lines 29-33, Davey discloses holes 69, 69' in the side of the lumen that "are useful, for example, as an alternative fluid intake location if the distal end 65 becomes suctioned against a vessel wall." Column 9, lines 29-31. Figs. 14A, 14B show rounded openings 69, 69' in the distal end of the lumen. Such rounded openings make it quite difficult, if not impossible, to insert a guide wire through the openings. A guide wire would have to be inserted through the opening generally perpendicularly to the longitudinal axis of the catheter lumen, meaning that, if the guide wire were to be inserted through either of the openings 69, 69', as the guide wire passes through the opening, the guide wire engages the far catheter wall, making it difficult for the inserting physician to work the end of the guide wire out the distal end of the lumen. Nowhere does Davey teach or suggest that the openings 69, 69' are useful or applicable as guide wire openings.

Claim 1 recites, inter alia, a multilumen catheter assembly comprising an elongated body having a proximal end and a distal end. A first lumen has a sidewall extending between the proximal end and the distal end, a first distal opening disposed at the distal end, and a first guide wire opening disposed proximally of the distal end and co-planar with the sidewall. A second lumen

is connected to the sidewall and extends between the proximal end and a second distal end, proximal of the distal end. The second lumen includes a second opening extending obliquely away from the sidewall distally toward the first opening and a second guide wire opening disposed proximally of the second opening and in a plane generally parallel to the sidewall. Emphasis added.

Referring to Figs. 4 and 5 of the present application, the first lumen is lumen 110 and the first guide wire opening is opening 152. Davey neither discloses nor suggests a guide wire opening in its comparable lumen 524 in Fig. 14A. Additionally, referring to Figs. 4 and 5 of the present application, the second lumen is lumen 112 and the second guide wire opening is opening 156. As can easily be seen in Fig. 5, the second guide wire opening 156 is generally oval or oblong in shape. Such shape easily facilitates the insertion of the guide wire into the guide wire opening 156 in a distal-to-proximal direction (from right to left in Fig. 7), so that the tip of the guide wire may be inserted through the guide wire opening 156 at an angle, allowing the guide wire to more easily transition to movement along the inside of the lumen 112, rather than strike the sidewall 118.

In order to anticipate a claim under 35 U.S.C. §102, the reference must teach every element of the claim. M.P.E.P. §2131. Furthermore, “the identical invention must be shown in as complete detail as is contained in the . . . claim.” Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 U.S.P.Q. 2d 1913, 1920 (Fed. Cir. 1989) and M.P.E.P. §2131.

Applicants respectfully submit that Davey fails to disclose or suggest all of the features of claim 1 and that the present rejection is improper. Applicants therefore respectfully request reconsideration and allowance of claim 1. Claims 2-11 all depend, either directly or indirectly, from claim 1, and Applicants respectfully submit that claims 2-11 are all allowable over Davey for the reasons as set forth above with respect to claim 1.

In the Office Action, the Examiner also rejected claims 1-11 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,405,341 to Martin (“Martin”). Applicants respectfully traverse this rejection.

In the Office Action, the Examiner stated that Martin discloses a multilumen catheter with an elongated body having a proximal end and a distal end, a first lumen (30) having a sidewall, a first distal opening (46), a first guide-wire opening (52), and a second lumen (28) with a second opening (44), and a second guide-wire opening (50) wherein the catheter further comprises a hub connected to the proximal end of the body (Figure 1, 4 and entire reference). Applicants respectfully traverse the Examiner's interpretation of Martin.

In Fig. 4, Martin discloses a second lumen 28 having a distal opening 44 and a sidewall opening 50. Although not identified in Fig. 5 of Martin, the side opening 50 is present in that Figure. However, Fig. 5 shows a guide wire 55 inserted through the second lumen 28. Note that the guide wire does not extend through the opening 50, demonstrating that the opening 50 is not a guide wire opening. Additionally, similar to the openings 69, 69' from Davey, as discussed above, the opening 50 is circular, precluding easy insertion of a guide wire into the opening 50.

Further, claim 1 recites the second opening extending obliquely away from the sidewall, distally toward the first opening. As can be seen from Figs. 4-7 of Martin, the distal openings 44, 144 extend from the sidewall distally away from the first opening 46. Therefore, Applicants respectfully submit that the features of the second guide wire opening and the second opening extending distally toward the first opening are neither disclosed nor suggested by Martin and that the present rejection is improper. Applicants therefore respectfully request reconsideration and allowance of claim 1. Claims 2-11 all depend, either directly or indirectly, from claim 1, and Applicants respectfully submit that claims 2-11 are all allowable over Martin for the reasons as set forth above with respect to claim 1.

CONCLUSION

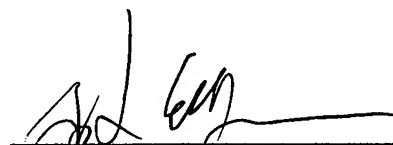
In view of the foregoing, Applicants respectfully submit that claims 1-11 are in condition for allowance. Applicants respectfully request reconsideration and reexamination of this application and

the timely allowance of the pending claims. If there are any other fees due in connection with the filing of this response, please do not hesitate to contact the undersigned.

Respectfully Submitted,

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